



# Public Notice

<b>U.S. Army Corps Of Engineers Galveston District</b>	Permit Application No: _____	24093
	Date Issued: _____	20 March 2006
	Comments Due: _____	19 April 2006

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**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**AUTHORITY:** This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**APPLICANT:** Texas Department of Transportation  
P.O. Box 9907  
Corpus Christi, Texas 78469-9907  
Telephone: 361-808-2250  
POC: Suzanne Contreras

**LOCATION:** The project is located at the crossing on State Highway (SH) 361 over a section of Redfish Bay, approximately 4.28 miles east of the San Patricio County line and approximately 2 miles west of Port Aransas, in Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Aransas, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 14; Easting: 688950; Northing: 3083250.

**PROJECT DESCRIPTION:** The Texas Department of Transportation (TxDOT) proposes to replace a crossing over Redfish Bay (Redfish Bay Relief Bridge) on SH 361 with a 46-foot-wide crossing with two 12-foot travel lanes and two 10-foot shoulders that would cover an area of 1.58 acres. The new crossing would be constructed to the southwest of the existing structure at a maximum offset of 120 feet from the west side of the existing bridge to the proposed east side of the new structure. Crossing approaches from SH 361 would be realigned, and approximately 0.03 acres of jurisdictional wetlands would be impacted by the proposed south side approach for the new crossing. Vehicle traffic would continue to use the existing crossing while construction of the new crossing is underway.

A temporary platform would be installed for construction access to minimize the placement of temporary fill into the water during construction. This temporary platform would cover an area of approximately 1.70 acres and would be in place for up to 18 months. The platform includes modular sections supported by 24-inch round steel columns at each corner which would be installed by diesel impact hammers or vibratory hammers. Following construction of the new crossing, the temporary platform and all the steel support columns would be removed. Removal of the existing crossing structure would occur on a span by span basis working from the existing structure within 24 months of the completion of the new structure. Beams and slabs of the existing structure would be disassembled into manageable pieces and transported off-site for disposal or recycling. The footings of the existing structure would be removed to 2 feet below the mud line. Best management practices (BMP's) would be utilized throughout the project to minimize turbidity and protect water quality. BMP's may include sediment control fencing, rock filter dams, temporary vegetation and vegetation filter strips.

Permanent impacts to the 0.03 acres of wetlands would be mitigated at the existing crossing abutment on the north side. The existing abutment and upland areas above the mean high water line would be excavated to an appropriate elevation to encourage natural revegetation of jurisdictional wetlands. The mitigation site would measure 50 by 90 feet and would create an area of 0.10 acre of wetlands. A survey of the mitigation site would be performed the first full growing season following the completion of the crossing construction. This survey would include photo documentation and identification and percent cover of wetland vegetation. If 70% cover of wetland plant species is not achieved, the applicant will coordinate with the U.S. Army Corps of Engineers (Corps) and perform the appropriate corrective action.

The proposed work would temporarily impact 0.31 acre of wetlands (includes both salt marshes and mangroves), 0.67 acre of oysters, and 1.77 acre of seagrasses. Temporary impacts could result from shading, increased turbidity, decreased water quality, and disturbances to the benthic substrate. A pre-construction survey to establish baseline environmental conditions would be conducted prior to the state of construction. Post-construction monitoring surveys would be conducted to evaluate the recovery of affected resources from the construction of the new crossing, and would consist of one survey per year for two consecutive years after the crossing replacement. The first survey would occur after the first full growing season. Each year's survey would be conducted between June 1 and July 31 utilizing the same protocol as the pre-construction surveys. If any jurisdictional habitat area has not recovered from construction impacts, the applicant would consider these resources to be permanently impacted and would coordinate with the Corps and perform the appropriate corrective action.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This information has not been verified. The applicant's plans are enclosed in 5 sheets and a 5-page mitigation plan/survey as an attachment (Attachment A); the remaining detailed project plans in 8 sheets are available on our website at <http://www.swg.usace.army.mil/reg/pn.asp>, or by request from the project manager listed on page 5.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

**OTHER AGENCY AUTHORIZATIONS:** Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

Although this project would result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold), the BMP's available on the BMP checklist form are not applicable to this project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application, a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted would adversely affect such interest.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The project area was assessed and coordinated in accordance with the programmatic agreement between the Federal Highway Administration, the Texas Historical Commission, the Advisory Council for Historic Preservation, and TxDOT. The TxDOT archaeologist determined the proposed activity to have no adverse effects on historic properties and recommended no further work. There are no further cultural resource issues within this permit area.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before **19 April 2006**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

Marie C. Pattillo  
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U.S. Army Corps of Engineers  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS